

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TODD G. GEROY and SARAH M.  
GEROY,

Plaintiffs,

v.

Case No.: 2:18-cv-717-FtM-38NPM

USAA GENERAL INDEMNITY  
COMPANY,

Defendant.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

Before the Court is the parties' Joint Status Report Concerning Mediation and Settlement ([Doc. 40](#)). The parties' mediation deadline was January 22, 2020 ([Doc. 32 at 1](#)). After the parties failed to file a mediation report (as the Local Rules require), the Court issued an Order to Show Cause "about the status of mediation" ([Doc. 39](#)). Instead of addressing mediation, the parties detailed some of their informal settlement discussions. The Court will assume the parties' failure to hint at mediation means it never happened. In other words, the parties missed their deadline to attend mandatory, Court-ordered mediation. ([Doc. 32 at 13](#)); [Local Rule 9.01\(b\)](#); [Bernath v. Seavey, No. 2:15-cv-358-FtM-99CM, 2017 WL 564941, at \\*2 \(M.D. Fla. Feb. 13, 2017\)](#). While the parties note Plaintiffs just filed a motion to consolidate in a related case, that motion is neither ripe nor before the Court here. And most importantly, filing that motion does not excuse skipping

---

<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

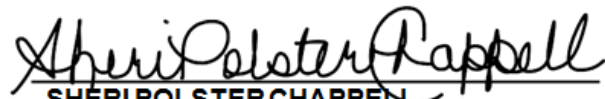
mediation. In fact, the motion was filed a week after the mediation deadline in this case. The parties should know failing to attend mediation is sanctionable conduct under both [Local Rule 9.05\(c\)](#) and their Case Management Scheduling Order ([Doc. 32 at 15](#)). At this point, the Court does not find sanctions warranted. But the parties are ordered to complete their mediation by February 17, 2020.

Accordingly, it is now

**ORDERED:**

The parties are **ORDERED** to complete mediation **on or before February 17, 2020**.

**DONE** and **ORDERED** in Fort Myers, Florida this 3rd day of February, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record